

No. 22-56012

In the
United States Court of Appeals
For the Ninth Circuit

FEDERAL TRADE COMMISSION,
Plaintiff-Appellee,

v.

TRIANGLE MEDIA CORPORATION, *et al.,*
Defendants-Appellees.

v.

WELLS FARGO & COMPANY and WELLS FARGO BANK, N.A., proposed
Intervenors,
Movants-Appellants,

THOMAS W. MCNAMARA,
Receiver-Appellee.

On Appeal from the United States District Court
for the Southern District of California
The Honorable Larry Alan Burns
Case No. 3:18-cv-01388-LAB-WVG

INDEX VOLUME – EXCERPTS OF RECORD OF APPELLANTS
WELLS FARGO & COMPANY AND WELLS FARGO BANK, N.A.

(Counsel listed on following page)

March 8, 2023

Kevin M. Lally
McGUIREWOODS LLP
355 South Grand Avenue
Suite 4200
Los Angeles, CA 90071
T: (213) 457-9862
klally@mcguirewoods.com

David C. Powell
Alicia A. Baiardo
Jenny Yi
McGUIREWOODS LLP
Two Embarcadero Center
Suite 1300
San Francisco, CA 94111
T: (415) 844-9944
dpowell@mcguirewoods.com
abaiardo@mcguirewoods.com
jyi@mcguirewoods.com

Brian D. Schmalzbach
McGUIREWOODS LLP
800 East Canal Street
Richmond, VA 23219
T: (804) 775-1000
bschmalzbach@mcguirewoods.com

*Counsel for Movants-Appellants Wells Fargo & Co.
and Wells Fargo Bank, N.A.*

INDEX VOLUME

Docket Number	Document	Page
Volume I		
176	Order Denying Proposed Intervenor Wells Fargo & Company and Wells Fargo Bank N.A.'s Motion to Intervene	ER3
Volume II		
175	Receiver's Notice of Supplemental Authority in Support of Opposition to Proposed Intervenor's Motion to Intervene	ER16
172	Proposed Intervenor Wells Fargo & Company and Wells Fargo Bank N.A.'s Reply In Support of Its Motion to Intervene	ER18
167	Plaintiff FTC's Memorandum of Points and Authorities in Opposition to Motion to Intervene by Non-Party Wells Fargo	ER44
153	Proposed Intervenor Wells Fargo & Company and Wells Fargo Bank N.A.'s Notice of Motion and Motion to Intervene	ER75
146	Notice of Third Interim Application and Third Interim Application for Order Approving Fees and Expenses of the Receiver and His Professionals	ER78
142	Order Granting Receiver's Motion for Authorization to Engage Contingency Fee Counsel and Extend Receivership	ER82
137	Plaintiff Federal Trade Commission's Statement of Non-Opposition to the Receiver's Motion for Authorization to Engage Contingency Fee Counsel and Extend Receivership	ER85

136	Receiver’s Motion for Authorization to Engage Contingency Fee Counsel and Extend Receivership	ER88
134	Order Granting in Part Receiver’s Motion to Extend Completion Deadline	ER91
130	Defendants Triangle Media Corporation, Jasper Rain Marketing LLC, and Brian Phillips’ Opposition to the Receiver’s Motion to Extend Completion Deadline	ER93
129-1	Memorandum of Points and Authorities in Support of Receiver’s Notice of Motion and Motion to Extend Completion Deadline	ER96
127	[Modified] Stipulated Order for Permanent Injunction and Monetary Judgment as to Defendants Hardwire Interactive Inc., Global Northern Trading Limited, and Devin Keer	ER100
126	[Modified] Stipulated Order for Permanent Injunction and Monetary Judgment as to Defendants Triangle Media Corporation, Jasper Rain Marketing LLC, and Brian Phillips	ER125
121	Joint Motion for Entry of Stipulated Orders for Permanent Injunction and Final Judgment	ER149

Volume III

101	First Amended Complaint for Permanent Injunction and Other Equitable Relief	ER157
75	Preliminary Injunction	ER184
11	Order Granting in Part and Denying in Part Plaintiff’s <i>Ex Parte</i> Motion for Temporary Restraining Order with Asset Freeze, Appointment of a Receiver, Other Equitable Relief, and Order to Show Cause Why a Preliminary Injunction Should Not Issue	ER212
9	Plaintiff’s Recommendation for Temporary Receiver	ER244

8	Certification and Declaration of Plaintiff's Counsel in Support of Plaintiff's <i>Ex Parte</i> Motions for Temporary Restraining Order and to Temporarily Seal the Case File	ER257
7	<i>Ex Parte</i> Motion for Leave to File Memorandum in Excess of 25 Pages in Support of Plaintiff's <i>Ex Parte</i> Motion for a Temporary Restraining Order	ER271
6	Memorandum of Points and Authorities in Support of Plaintiff's <i>Ex Parte</i> Motion for a Temporary Restraining Order	ER274
5	Plaintiff's <i>Ex Parte</i> Motion for a Temporary Restraining Order	ER318
1	Complaint for Permanent Injunction and Other Equitable Relief	ER324
177	Notice of Appeal	ER350
N/A	District Court Docket Sheet	ER365

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was filed with the Clerk of the United States Court of Appeals for the Ninth Circuit using the appellate CM/ECF system, which will also serve counsel of record.

Dated: March 8, 2023

/s/ Brian D. Schmalzbach

Brian D. Schmalzbach